

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Linda Gottschall, R.N.

Registered Nurse License No. E49045

1229 Winsted Road, Unit 135

Torrington CT 06790

CASE PETITION NO. 930817-10-052

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Motion for Summary Suspension dated November 16, 1993. Based on the allegations in the accompanying affidavits and reports, the Board found that the continued nursing practice of Linda Gottschall (hereinafter the "Respondent") represented a clear and immediate danger to public health and safety.

The Board ordered the Summary Suspension of the Respondent's nursing license, and issued a Notice of Hearing dated November 17, 1993 scheduling a hearing for December 8, 1993. (Department Exhibit 1-A) The hearing was rescheduled (Department Exhibit 1-C) and took place on May 12, 1994 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

During the hearing on May 12, 1994 the Department presented a First Amended Statement of Charges dated November 17, 1993 which alleged, in two (2) counts, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by the Respondent.

At the conclusion of testimony the Board vacated the Summary Suspension Order and imposed an Interim Order pending the issuance of this Memorandum of Decision. (Hearing Transcript, May 12, 1994)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Linda Gottschall, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E49045 on September 17, 1986 and was at all times referred to in the First Amended Statement of Charges, the holder of said license. (Department Exhibit 1)
2. The Respondent was aware of the time and location of the hearing. A Notice of Continuance of Formal Hearing was delivered to the Respondent by certified mail. (Department Exhibit 1-C)
3. The Respondent was present at the hearing and was represented by counsel. (Hearing Transcript, May 12, 1994, p. 2)
4. The Respondent provided a written and verbal Answer to the First Amended Statement of Charges. (Respondent's Exhibit R-1) (Hearing Transcript, May 12, 1994, p. 11)
5. That from on or about 1986 to on or about June 22, 1993 while licensed as a registered nurse, the Respondent worked as a nurse at Charlotte Hungerford Hospital, Torrington, Connecticut. (Department 1-A6) (Hearing Transcript, May 12, 1994, p. 64)

6. That the Respondent has a history of scoliosis with ankylosing spondylitis which resulted in the onset of severe back and neck pain on or about 1991. That the Respondent was prescribed Tylox and then the controlled substance Percocet for pain control. (Department Exhibit 1-A)
(Respondent's Exhibit R-3, R-4)
7. That the Respondent became addicted to and abused the controlled substance Percocet.
(Hearing Transcript, May 12, 1994, pp. 65-66)
8. That from on or about April through June 1993, while employed as a registered nurse at Charlotte Hungerford Hospital, the Respondent diverted the controlled substance Percocet for her own use. That in the act of diverting the controlled substance Percocet the Respondent falsified hospital controlled drug records. (Department Exhibit 1-A)
9. That on seventeen (17) occasions from on or about March 24, 1993 to May 28, 1993 the Respondent obtained the controlled substance Percocet at various pharmacies by use of fraudulent prescriptions on which she forged the name of Paul A. Gibilisco, M.D., Torrington, Connecticut. (Department Exhibits 1-A, 1-E and 2)
10. That on or about July 1993 the Respondent underwent chemical dependency treatment at the Institute of Living, Hartford, Connecticut. (Department Exhibit 2) (Respondent's Exhibit R-2)
11. That on three (3) occasions from on or about August 9, 1993 to August 14, 1993 the Respondent obtained the controlled substance Percocet at different pharmacies by use of fraudulent prescriptions on which she forged the name of Frank H. Schildgen, M.D., Torrington, Connecticut. (Department Exhibits 1-A, 1-E and 2)
12. That from on or about September 30, 1993 to on or about March 31, 1994 the Respondent received in-patient and out-patient chemical dependency treatment at the Institute of Living, Hartford, Connecticut and has continued with treatment from Daniel Ramos, M.D., Torrington, Connecticut. (Respondent's Exhibits R-2, R-3 and R-4)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Linda Gottschall held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as 19-2a-1 through 19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The FIRST COUNT of the First Amended Statement of Charges alleges that during the time period of on or about April, 1993 through June, 1993 the Respondent diverted the controlled substance Percocet from her employer, Charlotte Hungerford Hospital, Torrington, Connecticut.

The Respondent admits this charge. (Answer: Hearing Transcript, May 12, 1994, p. 11)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals... (6) fraud or material deception in the course of professional services or activities...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's

conduct as specified in the First Count is proven and that said conduct violated the General Statutes of Connecticut §20-99(b)(2), (5) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The SECOND COUNT of the First Amended Statement of Charges alleges that at various times between March, 1993 and August, 1993 the Respondent obtained prescriptions for the controlled substance Percocet by forging the name of Paul A. Gibilisco, M.D. and Frank H. Schildgen, M.D.

The Respondent admits this charge. (Answer: Respondent's Exhibit R-1)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals..."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in the Second Count is proven and that said conduct fails to conform to the accepted standards of the nursing profession and violates the General Statutes of Connecticut §20-99(b)(2). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under the General Statutes of Connecticut §19a-17 and §20-99 the Board of Examiners for Nursing hereby orders:

1. The Interim Order imposed by the Board on May 12, 1994 is void on the effective date of this Memorandum of Decision.
2. That for the First Count and the Second Count the Respondent's registered nurse license, No. E49045, is placed on probation for a period of four (4) years.

3. If any of the following conditions of probation are not met the Respondent's registered nurse license may be revoked.
 - A. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by her employer(s) within thirty (30) days as to receipt of a copy of this Memorandum of Decision.
 - B. Should the Respondent change employment at any time during the probationary period, she shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.
 - C. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency and shall not be self-employed as a nurse during the period of her probation.
 - D. The Respondent shall not count or have access to narcotics or other controlled substances, or have responsibility for such activities in the course of nursing duties during the first year of the probationary period.
 - E. The Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the first three (3) years of probation and bi-monthly during the final year of probation. Monthly employer reports are due on the first day of each month and shall commence with the report due October 1, 1994. Bi-monthly employer reports are due on the first day of January, March, May, July, September and November and shall commence with the report due November 1, 1997.

- F. The employer reports cited in paragraph E above, shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address listed in paragraph O below.
- G. At her own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist for the entire period of probation. The Respondent shall engage in therapy/counseling sessions at least monthly during the first three years of probation and at least bi-monthly during the final year of probation.
- H. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date, as to receipt of a copy of this Memorandum of Decision.
- I. The Respondent shall cause monthly reports to be submitted to the Board by her therapist during the first three years of probation and bi-monthly during the final year of probation. Monthly therapist reports are due on the first business day of each month and shall commence with the report due October 1, 1994. Bi-monthly reports are due on the first day of January, March, May, July, September and November and shall commence with the report due November 1, 1997.
- J. The therapist reports cited in paragraph I above, shall include documentation of dates of treatment, an evaluation of the Respondent progress including alcohol and drug free status, and the Respondent's ability to safely and competently practice nursing. Therapist reports shall be issued to the Board at the address cited in paragraph O below.
- K. The Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist and/or personal physician. Said screens shall be legally defensible in that the specimen donor and chain of custody must be identified throughout the screening process. The Respondent

shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking. There must be at least one random alcohol/drug screen bi-weekly during the first and second year, monthly during the third year and bi-monthly during the final year of the probationary period.

Reports of said random alcohol/drug screens are due monthly, commencing October 1, 1994, for the first three years of probation and bi-monthly commencing with the report due November 1, 1997 for the final year of probation.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Laboratory reports must indicate that the chain of custody procedure has been followed.

Reports of random alcohol and drug screens shall be submitted directly to the Board at the address cited in paragraph O below, by the Respondent's therapist or personal physician or the testing laboratory.

- L. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications.
- M. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.

O. Any correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING
Department of Public Health and Addiction Services
150 Washington Street
Hartford CT 06106

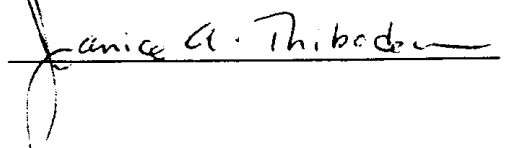
3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut including, but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to the Respondent's address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing).
4. This Memorandum of Decision becomes effective and the four (4) year probation period of the Respondent's registered nurse license shall commence on September 15, 1994.

The Board of Examiners for Nursing hereby informs the Respondent, Linda Gottschall, and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

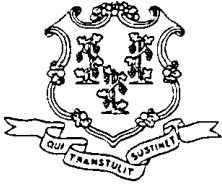
Dated at Hartford, Connecticut, this 8th day of September, 1994.

BOARD OF EXAMINERS FOR NURSING

By


Janice A. Thibodeau

9928Q



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

September 15, 1998

Linda Gottschall
45 Briarwood Trail
Torrington, CT 06790

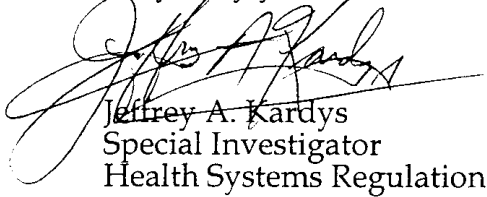
RE: Registered Nurse License No. E49045

Dear Ms. Gottschall:

Please be advised that you have successfully fulfilled the terms of probation of your registered nurse license. The probationary status of your license will be removed effective the date of this letter.

Should you have any questions concerning this matter, please contact me at 860-509-7623.

Very truly yours,



Jeffrey A. Kardys
Special Investigator
Health Systems Regulation

JAK:

PROBEND.DOC

cc: Debra Tomassone, PHSM, Department of Public Health
Anne Gerard, RN, LCSW
Joanne Schleidt



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